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CITY OF SACRAMENTO  
CALIFORNIA

OFFICE OF THE  
CITY MANAGER

July 29, 1982

CITY HALL  
915 I STREET - 95814  
(916) 449-5704

City Council  
Sacramento, California

Honorable Members in Session:

APPROVED  
BY THE CITY COUNCIL

AUG 17 1982

OFFICE OF THE  
CITY CLERK

SUBJECT: Proposed Ordinance Relating to Street and Sidewalk Vending

The City Council is conducting a public hearing to amend its street vending ordinance to include a number of major revisions as recommended by your Law and Legislation Committee. The City Manager's office supports all these changes with the exception of the proposed new boundary. It differs from the staff's original proposal by adding the two blocks facing the State Capitol and the site of the City's Community and Convention Center.

By adding the two City blocks bounded by 9th-10th-L-N Streets which include the State Library and State Office Building #1, we will be permitting street vending on the sidewalk in front of the State Capitol. The structure is a national landmark and was recently refurbished at a cost of approximately sixty-eight million dollars. I personally believe it would be a visual blight to allow push carts virtually on the doorstep of this historic building.

In the case of the City's Community and Convention Center, we now have a food vendor operating inside the facilities to meet the public's needs. The management of the Center has consistently requested that vending on the sidewalk be prohibited. In the case of the Memorial Auditorium, the new ordinance fortunately will ban vending around this historic building which is listed on the national register.

I urge the City Council to change the proposed boundaries of the ordinance in order to ban street vending in front of the State Capitol and around the Community Center. This action is needed to prevent creating a honky-tonk atmosphere at these locations and should be a matter of civic pride.

APPROVED FILED  
BY THE CITY COUNCIL By the City Council  
Office of the City Clerk  
AUG -3 1982 cont to  
OFFICE OF THE 8-17-82  
CITY CLERK  
AUG 3 1982

Respectfully submitted,

Walter J. Slipe

WALTER J. SLIPE  
City Manager

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# CITY OF SACRAMENTO

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DEPARTMENT OF LAW  
812 TENTH STREET  
SUITE 201  
SACRAMENTO, CA 95814  
TELEPHONE (916) 449-5346

CITY MANAGER'S OFFICE  
**RECEIVED**  
JUL 22 1982

JAMES P. JACKSON  
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SAMUEL L. JACKSON  
WILLIAM P. CARNAZZO  
STEPHEN B. NOCITA  
DIANE B. BALTER  
CHRISTINA PRIM  
DEPUTY CITY ATTORNEYS

City Council  
Sacramento, CA 95814

July 16, 1982

Members in Session:

SUBJECT: An Ordinance Amending Sections 7.54 through 7.71 of Article IV of Chapter 7 of the Sacramento City Code Relating to Street and Sidewalk Vending and adding Section 38.64 to Article VI of Chapter 38 of the Sacramento City Code Relating to Sidewalk Obstruction

## SUMMARY

This report outlines proposed amendments to the existing article on Street and Sidewalk Vending (City Code Sections 7.52 - 7.71) and adds Section 38.64 relating to penalties for sidewalk obstruction. The ordinance is presented at this time for approval of publication pursuant to City Charter, Section 38.

## BACKGROUND

A review of the existing vendor regulations was triggered by the recent Boulder decision. The following modifications and clarifications are proposed:

1. The Central Business District area in which sidewalk vending is permitted is reduced in size. In general, areas south and east of the Capitol, in which no vendors currently operate, are eliminated. A map indicating the old and new boundaries is attached.

2. The number of vendor locations is no longer limited to eighteen (18). However, no more than one permit may be issued per intersection. This limitation can be justified by our police power to prevent congestion, to consider aesthetic factors, and generally to control use of the public right-of-way and does not run afoul of antitrust concerns. There are approximately 75 intersections within the sidewalk vending area. The actual number of vendors will be limited by practicality - many theoretically available locations probably are not desirable from a business standpoint.

3. Clarifications are added to identify permissible street and sidewalk vending throughout the City.

PASSED FOR  
PUBLICATION  
& CONTINUED  
TO 8-3-82

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DOWNGRADING AND  
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DECLASSIFICATION

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(a) In the Central Business District, sidewalk vending of food and flowers is allowed by permit only. Minor exceptions also allow sale of newspapers and religious/educational periodicals; sale of food and novelties during parades; and sale of food at active construction sites between 7:00 A.M. and 2:00 P.M.

(b) In the Old Sacramento Business District, street and sidewalk vending of assorted wares is permitted only during the Third of July celebration and only by permit.

(c) In the remainder of the City, street vending of food only from motorized vehicles is permitted, provided that no food vendor may stop in one location for more than fifteen (15) minutes. A minor exception allows sale of newspapers and religious/educational periodicals. Sales of other wares from streets or any wares from sidewalks is unlawful. This is a useful restatement and clarification of current practice. All street and sidewalk vending is prohibited in most of the City, except food vending from vehicles limited to brief stops.

(d) Chapter 51 continues to govern pedestrian malls.

(e) All sales permitted are further restricted by the prohibition against sales of any kind within 350 feet of schools, parks and the Memorial Auditorium. The Memorial Auditorium is added to the list of prohibited areas.

4. Street or sidewalk vending violations are redefined as infractions rather than misdemeanors, ruling out jury trials and jail sentences, and bringing into operation Government Code Section 36900(b)'s graduated penalties: \$50.00 fine for first violation; \$100.00 fine for second violation within one year; \$250.00 fine for each additional violation within one year. For consistency Section 38.64 is added to provide that those unlawful sidewalk obstructions which are described in §38.62 and §38.63 shall also be punishable as infractions.

5. Existing vendors within the redefined Central Business District may continue to operate under their current permit in their present location. Available new locations will be assigned pursuant to a lottery procedure.

6. The conditions which may be considered or imposed by the City Manager in granting a permit have been revised somewhat. A limitation on vending to between the hours of 8:00 A.M. and 6:00 P.M. has been added and no vendor may locate within twelve (12) feet of the entrance to any building.

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7. A permit is considered abandoned upon failure to operate for ten days during the dry season (May 1 to September 30) or sixty days during the rainy season (October 1 to April 30). Previously, the period of non-use had to reach ninety days at any time of the year.

8. The insurance requirement is modified to require "products and/or completed operations coverage," which is not expected to result in a significant premium change.

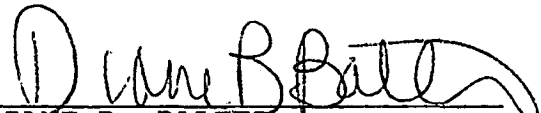
9. Transfer provisions are clarified. No transfer of a permit to another person is permitted. A vendor may change the location at which he uses an existing permit with the City Manager's consent.

RECOMMENDATION

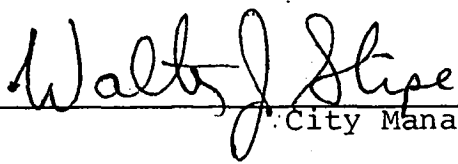
It is recommended that the item be passed for publication of title and continued to August 3, 1982.

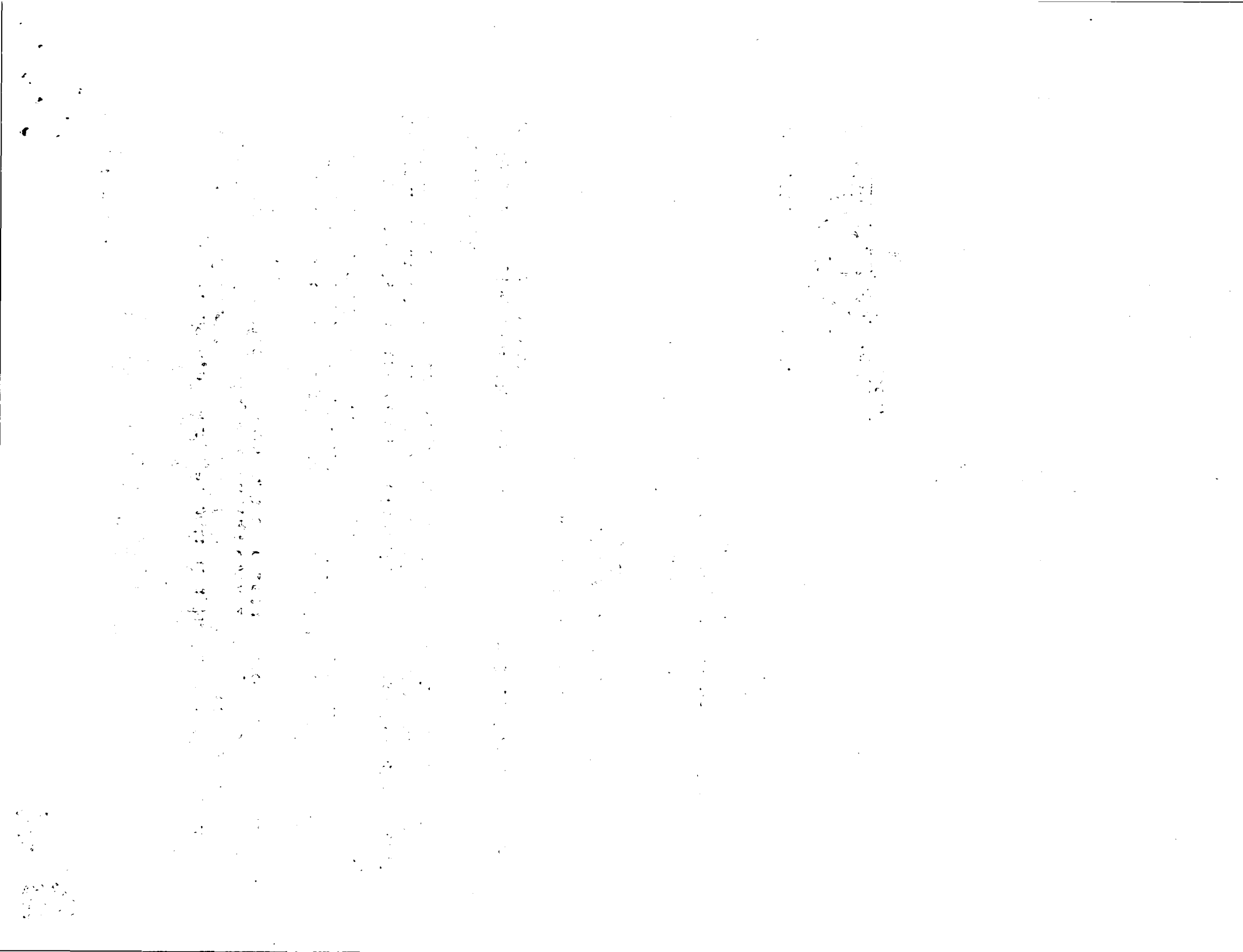
Respectfully submitted,

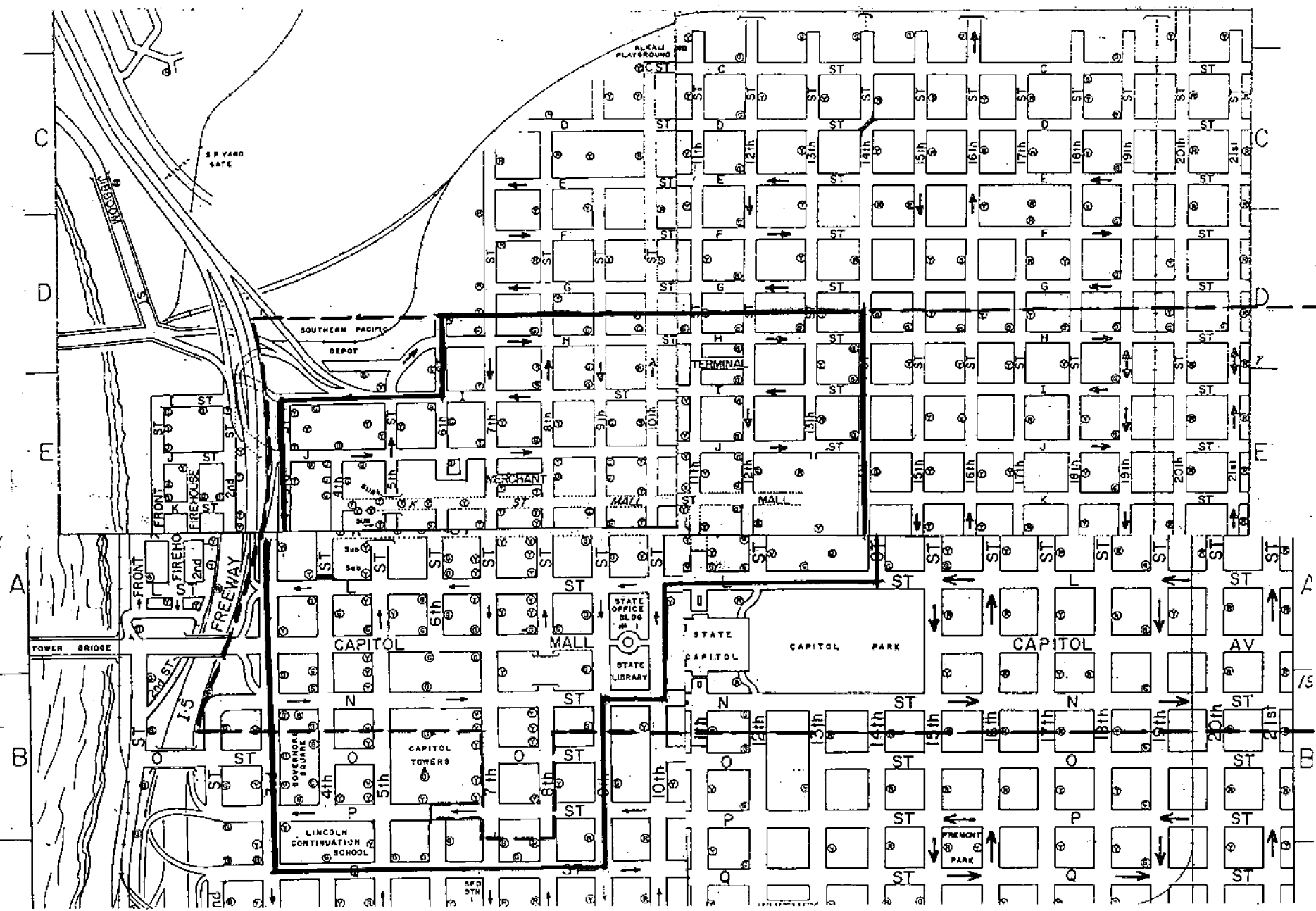
JAMES P. JACKSON  
City Attorney

  
DIANE B. BALTER  
Deputy City Attorney

RECOMMENDATION APPROVED:

  
Walter J. Stipe  
City Manager







# ORDINANCE NO. 82-066

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

JULY 27, 1982

AN ORDINANCE AMENDING SECTIONS 7.54 THROUGH 7.71 OF ARTICLE IV OF CHAPTER 7 OF THE SACRAMENTO CITY CODE RELATING TO STREET AND SIDEWALK VENDING AND ADDING SECTION 38.64 TO ARTICLE VI OF CHAPTER 38 OF THE SACRAMENTO CITY CODE RELATING TO SIDEWALK OBSTRUCTION

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

## SECTION 1.

Article IV ( Sections 7.52 through 7.71) of Chapter 7 of the Sacramento City Code is hereby amended to read as follows:

### ARTICLE IV. STREET AND SIDEWALK VENDING

#### Division 1. General

#### Sec. 7.52 Sales Prohibited.

(a) Except as provided in this article, it shall be unlawful for any person to sell, expose for sale, or offer for sale any goods, wares, merchandise, or food of any kind or description for which a price is asked, and the article delivered, on or from the public sidewalks, streets or alleys of the city.

(b) Notwithstanding any other provision of this Code to the contrary, it shall be unlawful for any person to sell, expose for sale or offer for sale any goods, wares, merchandise or food of any kind or description for which a price is asked, and the article delivered, on any portion of a sidewalk, street or alley located within 350 feet of any school building, school ground, playground, recreation park, or public park within the city, or the Memorial Auditorium. No permit shall be issued under Divisions 2 or 3 of this article for such a location.

**APPROVED**  
BY THE CITY COUNCIL

AUG 17 1982

OFFICE OF THE  
CITY CLERK

(c) Every person violating any provision of this article shall be deemed guilty of a separate offense for each day, or portion thereof, during which such violation continues and shall be punishable thereof as provided in this section. Any person violating the provisions of this article is guilty of an infraction subject to the provisions of Government Code Section 36900(b).

Sec. 7.53 Description of Central Business District

As used in this article, the "Central Business District" shall mean all that area within the City of Sacramento bound by lines described as follows: Beginning at the intersection of the centerline of Third and Q Streets; thence, easterly along the centerline of Q Street to the intersection of the centerline of Ninth and Q Streets; thence, northerly along the centerline of Ninth Street to the intersection of the centerline of Ninth and N Streets; thence, easterly along the centerline of N Street to the intersection of the centerline of N Street and the easterly right-of-way line of Tenth Street; thence, northerly along the easterly right-of-way line of Tenth Street to the intersection of the easterly right-of-way line of Tenth Street and the centerline of L Street; thence, easterly along the centerline of L Street to the intersection of the centerline of Fourteenth and L Streets; thence, northerly along the centerline of Fourteenth Street to the intersection of the centerline of Fourteenth Street and the alley between G and H Streets; thence, westerly along the centerline of the G/H alley to the intersection of the centerline of the G/H alley and Sixth Street; thence, southerly along the centerline of Sixth Street to the intersection of the centerline of Sixth and I Streets; thence, westerly along the centerline of I Street to the intersection of the centerline of I and Third Streets; thence, southerly along the centerline of Third Street to the point of beginning.

Sec. 7.54 Certain sales permitted.

(a) It shall be unlawful for any person to sell, expose for sale, or offer for sale any goods, wares, merchandise, or food of any kind or description for which a price is asked, and the article delivered, from the public sidewalks, streets or alleys in the Central Business District, excepting therefrom the following:

(1) the sale, dissemination and distribution of newspapers and religious and educational periodicals;

(2) the sale of novelties and food during parades held in the Central Business District, provided such sales are made only along the designated parade route;

(3) The sale of food between the hours of 7 A.M. and 2 P.M. at construction sites in the Central Business District upon which construction activity is taking place;

(4) The sale of food or flowers on public sidewalks pursuant to Division 3 of this article, provided the vendor complies with all applicable laws, including, but not limited to, traffic and parking laws, health laws and the provisions of Section 7.60 through 7.71 of this Code.

(b) No person shall park a vehicle, car or similar device on a street or alley in the Central Business District for purposes of selling food or flowers, except that a vehicle can be parked on a street or alley for the purpose specified in subparagraph (3) of section (a).

(c) This article shall not supersede the provisions of Chapter 51 of the City Code relating to pedestrian mall regulations.

(d) In those instances in this article where the sidewalk is permitted to be used for commercial purposes, a space on the sidewalk at least six (6) feet in width shall at all times be kept clear for the accommodation of pedestrians.

(e) It shall be unlawful for any person to sell, expose for sale, or offer for sale any goods, wares, merchandise or food of any kind or description for which a price is asked, and the article delivered, from the public sidewalks, streets or alleys outside the Central Business District, excepting therefrom the following:

(1) the sale, dissemination and distribution of newspapers and religious and educational periodicals;

(2) the sale of food from motorized vehicles, provided that it shall be unlawful for any vendor to stop, stand or park more than fifteen (15) minutes on a public street without moving on to a new location at least one (1) city block removed therefrom, and further provided that the vendor complies with all applicable laws, including, but not limited to, traffic and parking laws and health laws.

Division 2. Old Sacramento - Third of July Celebration

Sec. 7.55 Permit - street vendor - Third of July Celebration in Old Sacramento.

Notwithstanding any other provision of this Code to the contrary, it shall be unlawful for any persons to sell or attempt to sell any goods, wares, or merchandise by means of vending such goods, wares or merchandise upon any street or sidewalk in Old Sacramento, except during the Third of July celebration for which the vendor has first secured a permit and paid the fee therefor in accordance with the provisions of this article.

Sec. 7.56 Same - Old Sacramento Business District defined.

The "Old Sacramento Business District" is described as follows:

Beginning at the intersection of the westerly city limits of the City of Sacramento and the center line of the "I" Street Bridge; thence easterly along the center line of the "I" Street Bridge and Viaduct to its intersection with the continuation of the easterly line of Third Street; thence southerly along said easterly line of Third Street to the point of intersection with the northerly line of Capitol Mall; thence westerly along said northerly line of Capitol Mall to the point of intersection with the westerly city limits of the City of Sacramento; thence northerly along said westerly city limits to the point of beginning.

Sec. 7.57 Same - application for permit.

All applications for a vendor permit for the Third of July celebration in Old Sacramento shall be filed with the City Manager at least five days prior to the commencement of the event on such forms as the City Manager may prescribe and shall contain such information as the City Manager shall deem necessary for the proper processing of the application including the location in Old Sacramento where the permit will be used.

Sec. 7.58 Same - fees.

Every application for a permit shall be accompanied by a non-refundable application fee of twenty-five dollars (\$25.00).

Sec. 7.59 Issuance of permit.

The City Manager may grant a permit for the Third of July celebration in the Old Sacramento Business District when the Manager determines the permit sought is appropriate and consistent with the Third of July celebration and will not unduly interfere with the pedestrian or vehicular traffic in the area. As used in this article, "City Manager" shall include the Manager's designated representative.

In issuing any permit pursuant to this section, the City Manager may limit the number of permits to be issued in order to avoid congestion, may designate the location where each vendor obtaining a permit is to do business, may approve the design of the cart to be used, may specify the hours of operation of the vendor and the types of goods to be sold, may require liability insurance as provided in City Code Section 7.69, and may impose such other conditions as may be deemed necessary to protect the public health, safety and welfare. The decision of the Manager shall be final and conclusive.

### Division 3. Vendors' Permit Requirements

#### Sec. 7.60 Food and flower vendors in Central Business District - permit required.

(a) The authority to sell food or flowers pursuant to the provisions of Section 7.54(a)(4) of this chapter shall be further limited by the provisions of Section 7.60 through 7.71. No person shall sell food or flowers on public sidewalks in the Central Business District pursuant to the provisions of Section 7.54(a)(4), unless such person has first been issued a food or flower vendor's permit by the City Manager for each food or flower cart or business location.

(b) Any food or flower vendor lawfully conducting business on the sidewalks of the Central Business District as defined in Section 7.53 of this article on the effective date of this article with a valid permit may continue to conduct such business at the same location so long as the vendor complies with all terms and conditions of the permit and of this article.

(c) Within sixty (60) days after the effective date of this article, and every six (6) months thereafter, the City manager shall notify all persons who have expressed interest in obtaining a food or flower vendor's permit and all current permittees that additional locations are available, requesting that any person who wishes to be considered for a new or additional location should notify the City Manager. The City Manager shall also place an advertisement in the official newspaper of the City and give such additional public notice of the availability of additional locations as he deems appropriate.

The City Manager shall thereafter conduct a lottery among all those expressing interest in the additional locations, for the purpose of establishing the sequence in which potential applicants may select a location from among those locations which are available. Specific rules and procedures for the lottery and location selection process shall be established by the City Manager.

In the event that any previously utilized or assigned location shall become available by abandonment, revocation, attempted transfer, or through any other action or cause, said location shall be included among those locations which may be selected pursuant to the next regularly scheduled lottery.

Assignment of a location to a particular person pursuant to the lottery shall be of no force and effect unless that person thereafter applies for and obtains a vendor's permit pursuant to this article.

Sec. 7.61 Same - application.

An applicant for a food or flower vendor's permit under Section 7.54(a)(4) shall submit an application to the City Manager. The application shall include, among other things, the following:

1. The true name of the applicant, together with the names of all persons directly or indirectly interested in the conduct of such business, including all members of any firm or partnership. A corporate applicant shall list officers, directors and principal owners, including all owners of ten percent (10%) or more of the corporate stock.

2. Whether the applicant has at any time been convicted of a felony or of any offense involving moral turpitude or has been convicted of any narcotics violation or violation of any gambling laws or ordinances.

3. Whether or not any permit or license heretofore granted to applicant to engage in any business or to do any act within the City of Sacramento or elsewhere has been revoked or denied, and, if so, the circumstances surrounding the revocation or denial.

4. The location at which the applicant proposes to conduct the business.

5. The type of food or general type of flowers to be sold, the proposed hours of operation, and a description, drawing or picture of the cart which is to be operated at the location.

6. Such additional information bearing on the identity and character of the applicant or applicant's employees, the location proposed or the nature of the business as the City Manager may require.

Sec. 7.62 Same - application fee.

The application fee for a vendor's permit referred to in Sections 7.60 through 7.71 shall be accompanied by a nonrefundable fee established by resolution of the City Council, provided that if an applicant applies for more than one permit at the same time, a reduced application fee for the second and each additional permit shall be established by resolution of the City Council. These fees shall be in addition to any fee or tax imposed by Chapter 23 of this Code.

Sec. 7.63 Same - investigation and decision.

Application for food or flower vendor's permits shall be investigated by the City Manager. The investigation shall take into consideration the character of the applicant and any law enforcement problems which the issuance of the permit might tend to create. The City Manager may also consider such other sources of information as are available to him and may require the applicant to be fingerprinted.

The City Manager may deny an application for a food or flower vendor's permit if the applicant has been convicted of one of the type of category of crimes enumerated in subsection 2 of Section 7.61 or, if in his opinion, the business is to be located or operated under circumstances where it would tend to cause a law enforcement problem or create a public nuisance or where the granting of the permit would not be compatible with the public health, safety or welfare or would not comply with the provisions of this chapter or would be contrary to the public interest. The City Manager shall deny the permit if the application does not meet the location requirements or any other requirements of this chapter.

In granting a permit under this chapter, the City Manager shall require vendors to limit their hours of operation to between 8 a.m. to 6 p.m., shall require vendors to remove all of their equipment and wares from the assigned location no later than 6 p.m. each day, and shall prohibit any vendor from locating closer than twelve (12) feet from the outer edge of any entrance to any building. The Manager shall have authority to limit the area which a vendor's cart may cover, to approve the design of any vendor's cart, and to specify the exact location on a block where the vendor shall operate, taking into account pedestrian and vehicular traffic flow and the other standards imposed by this article. The City Manager may impose such additional reasonable terms and conditions upon the operation of the business as the Manager deems necessary or desirable under the circumstances to protect the health, safety and well-being of the public. The City Manager may require all food or flowers to be located on the vendor's cart and may prohibit the location of any food or flowers on sidewalks.

If, for a period of ten (10) or more consecutive days between May 1 and September 30, or sixty (60) or more consecutive days between October 1 and April 30, a person with a vendor's permit fails to maintain or operate their vendor's business, then the permit shall be deemed abandoned and shall be revoked.

The vendor's permit shall be attached to and prominently displayed on the vendor's cart.

Prior to the issuance of any permit under this article, the applicant shall pay to the City Revenue Officer any business operations tax and the applicable Downtown Business Improvement Area tax required by Chapter 23 of this Code. Decisions of the City Manager relating to the granting or denial of an application for a vendor's permit shall be rendered in writing not less than sixty (60) days after the date of application. Copies of decisions shall be mailed to the applicants not later than five (5) days after the date of decision and shall be mailed to the address of any business, conducted on the street level, which is located within one hundred (100) feet of the site of the vendor's permit.

Sec. 7.64 Same - location.

No more than one vendor permit shall be issued for any street intersection in the Central Business District.

Sec. 7.65 Employee work permit - investigation and fees.

Persons employed by or working with a person holding a vendor's permit under this division and who are engaged in selling food or flowers on sidewalks in the Central Business District shall first apply and obtain an employee work permit from the City Manager. Such persons shall furnish their name and address to the City Manager and shall state whether they have at any time been convicted of a felony, or of any offense involving moral turpitude or have been convicted of any narcotics violation or violations of any gambling laws or ordinances. The Police Department may fingerprint said person and may investigate the person to determine whether said person has been convicted of any of the crimes enumerated above. The City Manager may deny the work permit if it is found that the person has been convicted of a crime of the type or category enumerated herein. No person shall be employed by a food or flower vendor to sell food or flowers on the sidewalk in the Central Business District unless said person has first obtained a work permit as required herein. A fee established by resolution of the City Council shall be paid at the time of application for the work permit.



Sec. 7.66 Food and flower vendor's fees.

In addition to the other fees required to be paid as provided by this article and Chapter 23, a fee established by resolution of the City Council shall be imposed for each food or flower vendor's permit issued hereunder per year for the purpose of covering the costs of additional City services provided in connection with the vendor's operations.

Sec. 7.67 Appeal of permit decision.

Any aggrieved person wishing to appeal the decision of the City Manager in granting or denying an application for a food or flower vendor's permit or employee's work permit may do so by filing a written notice of appeal with the City Clerk not later than twenty (20) days after the date of mailing the notice of decision of the City Manager.

Thereafter such appeal shall be set for hearing by the Council. The City Clerk shall thereupon notify the appellant that the Council has set its hearing upon the appeal and inform the appellant of the time when the appellant will be heard in the matter. Notice of the hearing shall be published once, not less than ten (10) days prior to the hearing, in the official newspaper of the City.

The Council may continue its hearing on such appeal from time to time. It may hear evidence from competent persons. It may return the matter to the City Manager for further information or further investigation. The Council may affirm, reject or modify the decision of the City Manager in regard to the granting or denial of any application or conditions attached to a permit. Notwithstanding the provisions of this section, the City Council may follow the procedures set forth in City Code Sections 2.320 to 2.328 relating to a hearing conducted by a hearing examiner.

Sec. 7.68 Suspension and revocation of permit.

The City Manager shall have the right for cause to revoke or suspend any vendor's permit or employee's work permit issued hereunder. Any of the grounds upon which he may or shall be required to refuse to issue an initial permit shall also constitute grounds for such revocation or suspension. In addition, the failure of the holder of the permit to comply with the provisions of this chapter, other provisions of law, or conditions of the permit shall also constitute grounds for revocation or suspension of such permit.

The City Manager may revoke or suspend any vendor's permit based upon false representations or other misleading conduct to customers or intended customers made by the vendor or the vendor's employee or representative. The vendor's permit may also be revoked or suspended for failure to keep the area surrounding the vendor's business clean and free of debris from materials used in the vendor's business operation. The City Manager may revoke or suspend any employee's work permit based upon false representations made by the employee or other misleading conduct to customers or intended customers by such employee.

Decisions relating to the suspension or revocation of a permit may be appealed in the same manner as provided in Section 7.67.

Sec. 7.69 Liability insurance.

Every food or flower vendor shall be covered by an unconditional public general liability insurance policy that includes products and/or completed operations for not less than the following sums:

(a) For the injury or death of any one person in any one accident ..... \$100,000.00;

(b) For the injury or death to two or more persons in any one accident ..... \$300,000.00;

(c) For the damage or destruction of property in any one accident ..... \$25,000.00, or, at the option of the permittee,

(d) \$500,000 single limit for injury, death or property damage.

No permit shall be issued or valid until the permittee shall have furnished the City Revenue Officer with a "Certificate of Insurance" for each policy required, executed by the company issuing such policy, and approved as to form by the City Attorney. Such policies shall contain a provision which includes the City as also named insured and holding the City, its officers and employees harmless from any and all claims for negligence by reason of granting permission to use such public property. Such insurance policies shall contain an endorsement that the company issuing such policy or policies will not allow the same to be cancelled without serving, by first class mail, ten (10) days notice of cancellation upon the City Clerk. Notwithstanding any other provisions of this chapter, the failure of the permittee to carry such policy or policies in force and to properly renew said insurance shall automatically revoke the permit as of the date of expiration of such insurance policy or policies. A payment of the full amount of the application and permit fees required by Sections 7.62 and 7.66 shall be made to the City before any such revoked permit may be reinstated.

Sec. 7.70 Transfer of permit.

A food or flower vendor's permit is not property and shall have no value. Such permit may not be sold, leased, assigned, hypothecated or transferred in any manner to another person, firm, partnership, or corporation, including new owners in a corporation or partnership, except that a vendor holding a valid permit may transfer said permit to another location where the vendor wishes to operate with the consent of the City Manager.

Sec. 7.71 No vested right to sell.

There shall be no vested right to sell food, flowers, or any goods on the streets, sidewalks, or alleys in the City. The Council reserves the right to cancel any permit issued hereunder or prohibit or further restrict the sale of food, flowers, or any goods at any location at any time by amendment of the City Code.

SECTION 2.

Section 38.64 of Chapter 38 of the Sacramento City Code is hereby added to read as follows:

Sec. 38.64 Violation determined to be infraction.

Every person violating the provisions of Section 38.62 or Section 38.63 of this Code shall be deemed guilty of a separate offense for each day, or portion thereof, during which such violation continues and shall be punishable thereof as provided in this section.

Any person violating the provisions of Section 38.62 or Section 38.63 of this Code is guilty of an infraction subject to the provisions of Government Code Section 36800(b).

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

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MAYOR

ATTEST:

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CITY CLERK

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# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

JULY 27, 1982

AN ORDINANCE AMENDING SECTIONS 7.54 THROUGH 7.71 OF ARTICLE IV OF CHAPTER 7 OF THE SACRAMENTO CITY CODE RELATING TO STREET AND SIDEWALK VENDING AND ADDING SECTION 38.64 TO ARTICLE VI OF CHAPTER 38 OF THE SACRAMENTO CITY CODE RELATING TO SIDEWALK OBSTRUCTION

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Article IV (Sections 7.52 through 7.71) of Chapter 7 of the Sacramento City Code is hereby amended to read as follows:

ARTICLE IV. STREET AND SIDEWALK VENDING

Division 1. General

~~Sec. 7.52--Description of Central Business District.~~

~~As used in this article, the "Central Business District" shall mean all that area in the City of Sacramento bounded by the Sacramento River on the West, by the center of the blocks between 21st Street and 22nd Street on the East, by the alley between G Street and H Street on the North, and by the alley between N Street and O Street on the South, excluding therefrom the old Sacramento Business District as defined in Section 7.56. The "Central Business District" also includes the blocks bounded by 6th and 8th Streets, and O and P Streets and shall further include the block bounded by 7th and 8th Streets, and O and P Streets, and the south one-half of the block bounded by 7th and 8th Streets, and N and O Streets in the City of Sacramento. (Ord. 2100, §1; Ord. 4202, §1; Ord. 4415, §1)\*~~

See  
new  
section  
7.53

Sec. 7.52 Sales Prohibited.

(a) Except as provided in this article, it shall be unlawful for any person to sell, expose for sale, or offer for sale any goods, wares, merchandise, or food of any kind or description for which a price is asked, and the article delivered, on or from the public sidewalks, streets or alleys of the city.

(b) Notwithstanding any other provision of this Code to the contrary, it shall be unlawful for any person to sell, expose for sale or offer for sale any goods, wares, merchandise or food of any kind or description for which a price is asked, and the article delivered, on any portion of a sidewalk, street or alley located within 350 feet of any school building, school ground, playground, recreation park, or public park within the city, or the Memorial Auditorium. No permit shall be issued under Divisions 2 or 3 of this article for such a location.

(c) Every person violating any provision of this article shall be deemed guilty of a separate offense for each day, or portion thereof, during which such violation continues and shall be punishable thereof as provided in this section. Any person violating the provisions of this article is guilty of an infraction subject to the provisions of Government Code Section 36900(b).

Sec. 7.53 Sales Prohibited in Central Business District Exceptions.

See  
New  
Section  
7.54

~~(a) It shall be unlawful for any person to sell, expose for sale, or offer for sale any goods, wares, merchandise, or food of any kind or description for which a price is asked, and the article delivered, from the public sidewalks, streets or alleys in the Central Business District, excepting therefrom the following:~~

~~(1) The sale, dissemination and distribution of newspapers and religious and educational periodicals.~~

~~(2) The sale of novelties and food during parades held in the Central Business District, provided such sales are made only along the designated parade routes.~~

~~(3) In addition to the sale of food authorized under subparagraphs (2) and (4) of this section, sale of food or flowers on public sidewalks only is permitted in the Central Business District, provided the vendor complies with all applicable laws, including, but not limited to, traffic and parking laws, health laws and the provisions of Sec. 7.60 through 7.71. Except as provided in subparagraph (4) herein, no person shall park a vehicle, car or similar device on a street or alley in the Central Business District for purposes of selling food or flowers to persons on the public sidewalks, streets or alleys.~~

~~(4) The sale of food between the hours of 7 A.M. and 2 P.M. at construction sites in the Central Business District upon which construction activity is taking place.~~

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(b) ~~This section is not intended to supersede the provisions of Chapter 51 of the city code relating to pedestrian mall regulations.~~

(c) ~~In those instances in this section where the sidewalk is permitted to be used for commercial purposes, a space on the sidewalk at least six (6) feet in width shall at all times be kept clear for the accommodation of pedestrians. (Ord. 2100, §1; Ord. 4282, §1)\*\*~~

Sec. 7.53 Description of Central Business District

As used in this article, the "Central Business District" shall mean all that area within the City of Sacramento bound by lines described as follows: Beginning at the intersection of the centerline of Third and Q Streets; thence, easterly along the centerline of Q Street to the intersection of the centerline of Ninth and Q Streets; thence, northerly along the centerline of Ninth Street to the intersection of the centerline of Ninth and N Streets; thence, easterly along the centerline of N Street to the intersection of the centerline of N Street and the easterly right-of-way line of Tenth Street; thence, northerly along the easterly right-of-way line of Tenth Street to the intersection of the easterly right-of-way line of Tenth Street and the centerline of L Street; thence, easterly along the centerline of L Street to the intersection of the centerline of Fourteenth and L Streets; thence, northerly along the centerline of Fourteenth Street to the intersection of the centerline of Fourteenth Street and the alley between G and H Streets; thence, westerly along the centerline of the G/H alley to the intersection of the centerline of the G/H alley and Sixth Street; thence, southerly along the centerline of Sixth Street to the intersection of the centerline of Sixth and I Streets; thence, westerly along the centerline of I Street to the intersection of the centerline of I and Third Streets; thence, southerly along the centerline of Third Street to the point of beginning.

Sec. 7.54 ~~Sale prohibited near schools and parks.~~ Certain sales permitted.

~~It shall be unlawful for any person to sell, expose for sale or offer for sale any goods, wares, merchandise or food of any kind or description for which a price is asked, and the article delivered, on any portion of a sidewalk, street or alley located within 350 feet of any school building, school ground, playground, recreation park, or public park within the city. The provisions of Section 7.53 shall apply to sales in the Central Business District. (Ord. 2100, §2; Ord. 4282, §1)\*\*~~ from the public sidewalks,

See new section 7.52(b)

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streets or alleys in the Central Business District, excepting therefrom the following:

(1) the sale, dissemination and distribution of newspapers and religious and educational periodicals;

(2) the sale of novelties and food during parades held in the Central Business District, provided such sales are made only along the designated parade route;

(3) The sale of food between the hours of 7 A.M. and 2 P.M. at construction sites in the Central Business District upon which construction activity is taking place;

(4) The sale of food or flowers on public sidewalks pursuant to Division 3 of this article, provided the vendor complies with all applicable laws, including, but not limited to, traffic and parking laws, health laws and the provisions of Section 7.60 through 7.71 of this Code.

(b) No person shall park a vehicle, car or similar device on a street or alley in the Central Business District for purposes of selling food or flowers, except that a vehicle can be parked on a street or alley for the purpose specified in subparagraph (3) of section (a).

(c) This article shall not supersede the provisions of Chapter 51 of the City Code relating to pedestrian mall regulations.

(d) In those instances in this article where the sidewalk is permitted to be used for commercial purposes, a space on the sidewalk at least six (6) feet in width shall at all times be kept clear for the accommodation of pedestrians.

(e) It shall be unlawful for any person to sell, expose for sale, or offer for sale any goods, wares, merchandise or food of any kind or description for which a price is asked, and the article delivered, from the public sidewalks, streets or alleys outside the Central Business District, excepting therefrom the following:

(1) the sale, dissemination and distribution of newspapers and religious and educational periodicals;

(2) the sale of food from motorized vehicles, provided that it shall be unlawful for any vendor to stop, stand or park more than fifteen (15) minutes on a public street without moving on to a new location at least one (1) city block removed therefrom, and further provided that the vendor complies with all applicable laws, including, but not limited to, traffic and parking laws and health laws.

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Division 2. Old Sacramento - Special-Events Third of July Celebration

Sec. 7.55 Permit--street vendor--special-events-in-Old-Sacramento Third of July Celebration in Old Sacramento.

Notwithstanding any other provision of this code to the contrary, it shall be unlawful for any persons to sell or attempt to sell any goods, wares, or merchandise by means of vending such goods, wares or merchandise upon any street or sidewalk in Old Sacramento, except during ~~a special event such as a 4th of July~~ the Third of July celebration for which the vendor has first secured a permit and paid the fee therefor in accordance with the provisions of this article.

Sec. 7.56 Same--Old Sacramento Business District defined.

The "Old Sacramento Business District" is described as follows:

Beginning at the intersection of the westerly city limits of the City of Sacramento and the center line of the "I" Street Bridge; thence easterly along the center line of the "I" Street Bridge and Viaduct to its intersection with the continuation of the easterly line of Third Street; thence southerly along said easterly line of Third Street to the point of intersection with the northerly line of Capitol Mall; thence westerly along said northerly line of Capitol Mall to the point of intersection with the westerly city limits of the City of Sacramento; thence northerly along said westerly city limits to the point of beginning. (Ord. 3890, §1)\*

Sec. 7.57 Same -- Application for permit.

All applications for a vendor permit for ~~a special event in the~~ Third of July celebration in Old Sacramento shall be filed with the City Manager at least five days prior to the commencement of the event ~~for which the permit is sought~~ on such forms as the City Manager may prescribe and shall contain such information as the City Manager shall deem necessary for the proper processing of the application including the area location in Old Sacramento where the permit will be used.

Sec. 7.58 Same - fees.

Every application for a permit shall be accompanied by a non-refundable application fee of twenty-five dollars (\$25.00).



Sec. 7.59 Issuance of permit.

The City Manager may grant a permit for a ~~special event~~ the Third of July celebration in the Old Sacramento Business District when the Manager determines ~~it~~ the permit sought is appropriate and consistent with the ~~special event conducted~~ Third of July celebration and will not unduly interfere with the pedestrian or vehicular traffic in the area. As used in this article, "City Manager" shall include the Manager's designated representative.

In issuing any permit pursuant to this section, the City Manager may limit the number of permits to be issued in order to avoid congestion, may designate the location where ~~the vendors are~~ each vendor obtaining a permit is to do business, may ~~require that the appearance of the cart and dress of the vendor be compatible with the historic theme of Old Sacramento;~~ approve the design of the cart to be used, may specify the hours of the operation of the vendor and the types of goods to be sold, may require liability insurance as provided in City Code Section 7.69, and may impose such other conditions as may be deemed necessary to protect the public health, safety and welfare. The decision of the Manager shall be final and conclusive.

Division 3. Vendors Permit Requirements.

Sec. 7.60 Food and flower vendors in Central Business District - permit required.

(a) The authority to sell food or flowers pursuant to the provisions of Section ~~7.53(a)(3)~~ 7.54(a)(4) of this chapter shall be further limited to the provisions of Section 7.60 through 7.71. No person shall sell food or flowers on public sidewalks in the Central Business District pursuant to the provisions of Section ~~7.53(a)(3)~~ 7.54(a)(4), unless such person has first been issued a food or flower vendor's permit by the City Manager for each food or flower cart or business location.

(b) Any ~~Food~~ Food or flower vendors lawfully conducting business on the ~~sidewalks of the Central Business District on July 17, 1979 as defined in Section 7.53 of this article~~ sidewalks of the Central Business District on July 17, 1979 as defined in Section 7.53 of this article on the effective date of this article with a valid permit may continue to conduct such business at the same location if so long as the vendors apply for a vendor's permit within ten (10) days after the effective date of this article. Complies with all terms and conditions of the permit and of this article. ~~If the vendor's application is denied by the city, the vendor shall immediately cease such business operations. If the application is approved, the vendor shall immediately comply with all terms and conditions of the permit and of this article.~~

(c) Within sixty (60) days after the effective date of this article, and every six (6) months thereafter, the City Manager shall notify all persons who have expressed interest in obtaining a food or flower vendor's permit and all current permittees that additional locations are available, requesting that any person who wishes to be considered for a new or additional location should notify the City Manager. The City Manager shall also place an advertisement in the official newspaper of the City and give such additional public notice of the availability of additional locations as he deems appropriate.

The City Manager shall thereafter conduct a lottery among all those expressing interest in the additional locations, for the purpose of establishing the sequence in which potential applicants may select a location from among those locations which are available. Specific rules and procedures for the lottery and location selection process shall be established by the City Manager.

In the event that any previously utilized or assigned location shall become available by abandonment, revocation, attempted transfer, or through any other action or cause, said location shall be included among those locations which may be selected pursuant to the next regularly scheduled lottery.

Assignment of a location to a particular person pursuant to the lottery shall be of no force and effect unless that person thereafter applies for and obtains a vendor's permit pursuant to this article.

Sec. 7.61 Same - application.

An applicant for a food or flower vendor's permit under ~~Section 7-53(a)-(3)~~ 7.54(a)(4) shall submit an application to the City Manager. ~~after the effective date of this article.~~ The application shall include, among other things, the following:

1. The true name of the applicant, together with the names of all persons directly or indirectly interested in the conduct of such business, including all members of any firm or partnership. A corporate applicant shall list officers, directors and principal owners, including all owners of ten percent (10%) or more of the corporate stock.

2. Whether the applicant has at any time been convicted of a felony or of any offense involving moral turpitude or has been convicted of any narcotics violation or violation of any gambling laws or ordinances.

3. Whether or not any permit or license heretofore granted to applicant to engage in any business or to do any act within the City of Sacramento or elsewhere has been revoked or denied, and, if so, the circumstances surrounding the revocation or denial.

4. The location ~~and a description of the premises upon~~ at which the applicant proposes to conduct the business.

5. The type of food or general type of flowers to be sold, the proposed hours of operation, and a description, drawing or picture of the ~~feed or flower~~ cart which is to be operated ~~on the premises~~ at the location.

6. Such additional information bearing on the identity and character of the applicant or applicant's employees, the ~~use of the premises~~ location proposed or the nature of the business as the City Manager may require.

Sec. 7.62 Same - application fee.

The application fee for a vendor's permit referred to in Sections 7.60 through 7.71 shall be accompanied by a nonrefundable fee established by resolution of the City Council, provided that if an applicant applies for more than one permit at the same time, ~~the~~ a reduced application fee for the second and each additional permit shall be established by resolution of the City Council. These fees shall be in addition to any fee or tax imposed by Chapter 23 of this Code.

Sec. 7.63 Same - Investigation and decision.

Applications for food or flower vendor's permits shall be investigated by the City Manager. The investigation shall take into consideration the character of the applicant and any law enforcement problems which the issuance of the permit might tend to create. ~~In addition to his investigation, the City Manager shall also refer every application to the Planning Director for~~

~~a written report concerning the compatibility of the proposed use of the premises with existing zoning and neighborhood land uses. The City Manager may also consider such other sources of information as are available to him and may require the applicant to be fingerprinted.~~

The City Manager may deny an application for a food or flower vendor's permit if the applicant has been convicted of one of the type of category of crimes enumerated in subsection 2 of Section 7.61, or if in his opinion, the business is to be located or operated under circumstances where it would tend to cause a law enforcement problem or create a public nuisance or where the granting of the permit would not be compatible with the public health, safety or welfare or would not comply with the provisions of this chapter or would be contrary to the public interest. The City Manager shall deny the permit if the application does not meet the location requirements or any other requirements of this chapter.

~~In granting a permit under this chapter, the city manager may impose such reasonable terms and conditions upon the operation of the business as the manager deems necessary or desirable under the circumstances to protect the health, safety and well-being of the public. The city manager may require all food and flowers to be located on the vendor's cart and may prohibit the location of any food or flowers on sidewalks. If, for a period of ninety (90) consecutive days or more, a person with a vendor's permit fails to maintain or operate their vendor's business, then the permit shall be deemed abandoned and shall be revoked. The city manager shall specify the location and the amount of area and approve the cart design of the business. The city manager, in determining the location of the vendor's business in the Central Business District, shall consider, among other things, the location of other street vendors, the proximity of other businesses located nearby in buildings, and the effect of a vendor's location upon pedestrian and vehicular traffic flow. The city manager shall have discretion to determine which application shall be approved and where on a block the vendor shall be located, after taking into account the standards imposed by this article. The vendor's permit shall be attached to and prominently displayed on the vendor's cart.~~

In granting a permit under this chapter, the City Manager shall require vendors to limit their hours of operation to between 8 A.M. to 6 P.M., shall require vendors to remove all of their equipment and wares from the assigned location no later than 6 P.M. each day and shall prohibit any vendor from locating closer than twelve (12) feet from the outer edge of any entrance to any building. The Manager shall have authority to limit the area which a vendor's cart may cover, to approve the design of any vendor's cart, and to specify the exact location on a block where the vendor shall operate, taking into account pedestrian and vehicular traffic flow and the other standards imposed by this article. The City Manager may impose such additional reasonable terms and conditions upon the operation of the business as the Manager deems necessary or desirable under the circumstances to protect the health, safety and well-being of the public. The City Manager may require all food or flowers to be located on the vendor's cart and may prohibit the location of any food or flowers on sidewalks.

If, for a period of ten (10) or more consecutive days between May 1 and September 30, or sixty (60) or more consecutive days between October 1 and April 30, a person with a vendor's permit fails to maintain or operate their vendor's business, then the permit shall be deemed abandoned and shall be revoked.

The vendor's permit shall be attached to and prominently displayed on the vendor's cart.

Prior to the issuance of any permit under this article, the applicant shall pay to the City Revenue and ~~collections~~ Officer any business ~~license-fee~~ operations tax and the applicable Downtown Business Improvement Area tax required by Chapter 23 of this Code. Decisions of the City Manager relating to the granting or denial of an application for a vendor's permit shall be rendered in writing not less than sixty (60) days after the date of application. Copies of decisions shall be mailed to the applicants not later than five (5) days after the date of decision and shall be mailed to the address of any business, conducted on the street level, which is located within one hundred (100) feet of the site of the vendor's permit.

Sec. 7.64 Same - Number-and location.

~~Notwithstanding any other provision of this division, no more than eighteen (18) one vendor permits shall be issued for any street intersection in the Central Business District. No more than one such permit shall be issued in each entire city block in the Central Business District. Two-half blocks shall equal one entire city block in the areas located between N and O Streets, G and H Streets, and 21st and 22nd Streets.~~

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Sec. 7.65 Employee work permit - investigation and fees.

Persons employed by or working with a person holding a vendor's permit under this division and who are engaged in selling food or flowers on sidewalks in the Central Business District shall first apply and obtain an employee work permit from the City Manager. Such persons shall furnish their name and address to the City Manager and shall state whether they have at any time been convicted of a felony, or of any offense involving moral turpitude or have been convicted of any narcotics violation or violations of any gambling laws or ordinances. The Police Department may fingerprint said person and may investigate the person to determine whether said person has been convicted of any of the crimes enumerated above. The City Manager may deny the work permit if it is found that the person has been convicted of a crime of the type or category enumerated herein. No person shall be employed by a food or flower vendor to sell food or flowers on the sidewalk in the Central Business District unless said person has first obtained a work permit as required herein. A fee established by resolution of the City Council shall be paid at the time of application for the work permit.

Sec. 7.66 Food and flower vendor's fees.

In addition to the other fees required to be paid as provided by this article and Chapter 23, a fee established by resolution of the City Council shall be imposed for each food or flower vendor's permit issued hereunder per year for the purpose of covering the costs of additional City services provided in connection with the vendor's operations.

Sec. 7.67 Appeal of permit decision.

Any aggrieved person wishing to appeal the decision of the City Manager in granting or denying an application for a food or flower vendor's permit or employee's work permit may do so by filing a written notice of appeal with the City Clerk not later than twenty (20) days after the date of mailing the notice of decision of the City Manager.

Thereafter such appeal shall be set for hearing by the Council. The City Clerk shall thereupon notify the appellant that the Council has set its hearing upon the appeal and inform the appellant of the time when the appellant will be heard in the matter. Notice of the hearing shall be published once, not less than ten (10) days prior to the hearing, in the official newspaper of the City.

The Council may continue its hearing on such appeal from time to time. It may hear evidence from competent persons. It may return the matter to the City Manager for further information or further investigation. The Council may affirm, reject or modify the decision of the City Manager in regard to the granting or denial of any application or conditions attached to a permit. Notwithstanding the provisions of this section, the City Council may follow the procedures set forth in City Code Sections 2.320 to 2.328 relating to a hearing conducted by a hearing examiner.

Sec. 7.68 Suspension and revocation of permit.

The City Manager shall have the right for cause to revoke or suspend any vendor's permit or employee's work permit issued hereunder. Any of the grounds upon which he may or shall be required to refuse to issue an initial permit shall also constitute grounds for such revocation or suspension. In addition, the failure of the holder of the permit to comply with the provisions of this chapter, other provisions of law, or conditions of the permit shall also constitute grounds for revocation or suspension of such permit.

The City Manager may revoke or suspend any vendor's permit based upon false representations or other misleading conduct to customers or intended customers made by the vendor or the vendor's employee or representative. The vendor's permit may also be revoked or suspended for failure to keep the area surrounding the vendor's business clean and free of debris from materials used in the vendor's business operation. The City Manager may revoke or suspend any employee's work permit based upon false representations made by the employee or other misleading conduct to customers or intended customers by such employee.

Decisions relating to the suspension or revocation of a permit may be appealed in the same manner as provided in Section 7.67.

Sec. 7.69 Liability insurance.

Every food or flower vendor shall be covered by an unconditional public general liability insurance policy that includes products and/or completed operations for not less than the following sums:

- (a) For the injury or death of any one person in any one accident ..... \$100,000.00;
- (b) For the injury or death to two or more persons in any one accident ..... \$300,000.00;
- (c) For the damage or destruction of property in any one accident ..... \$25,000.00, or, at the option of the permittee,
- (d) \$500,000 single limit for injury, death or property damage.

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No permit shall be issued or valid until the permittee shall have furnished the City Revenue Officer with a "Certificate of Insurance" for each policy required, executed by the company issuing such policy, and approved as to form by the City Attorney. Such policies shall contain a provision which includes the City as one-of-the also named insured and holding the City, its officers and employees harmless ~~for~~ from any and all claims for negligence by reason of granting permission to use such public property. Such insurance policies shall contain an endorsement that the company issuing such policy or policies will not allow the same to be canceled without serving, by first-class mail, ten (10) days' notice of cancellation upon the City Clerk. Notwithstanding any other provisions of this chapter, the failure of the permittee to carry such policy or policies in force and to properly renew said insurance during-the-time-between-the-issuance-of-the-permit-for-work-to-be-done-and-the-completion-of-the-work-covered-by such-permit shall automatically revoke the permit as of the date of expiration of such insurance policy or policies. A payment of the full amount of the application and permit fees required by Sections 7.62 and 7.66 shall be made to the City before any such revoked permit may be reinstated.

Sec. 7.70 Transfer of permit.

A food or flower vendor's permit is not property and shall have no value. Such permit may not be sold, leased, assigned, hypothecated or transferred in any manner to another person, firm, partnership, or corporation, including new owners in a corporation or partnership--~~A permit shall not be transferred to a new location without obtaining a new food or flower vendor's permit from the city manager--An application to transfer a permit to a new owner or new location shall be made to the city manager and shall be acted upon and considered in the same manner as an application for an original permit; provided, however, if the application does not involve a change of location, the written report of the planning director need not be required by the city manager-~~ , except that a vendor holding a valid permit may transfer said permit to another location where the vendor wishes to operate with the consent of the City Manager.

Sec. 7.71 No vested right to sell.

There shall be no vested right to sell food, flowers, or any goods on the streets, sidewalks, or alleys in the City. The Council reserves the right to cancel any permit issued hereunder or prohibit or further restrict the sale of food, flowers, or any goods at any location at any time by amendment of the City Code.



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SECTION 2.

Section 38.64 of Chapter 38 of the Sacramento City Code is hereby added to read as follows:

Sec. 38.64 Violation determined to be infraction.

Every person violating the provisions of Section 38.62 or Section 38.63 of this Code shall be deemed guilty of a separate offense for each day, or portion thereof, during which such violation continues and shall be punishable thereof as provided in this section.

Any person violating the provisions of Section 38.62 or Section 38.63 of this Code is guilty of an infraction subject to the provisions of Government Code Section 36800(b).

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK